

MAYOR AND CITY COUNCIL

Title 8

DISTRIBUTION OF POWERS¹

Ch.	I.	Legislative §§8.1--8.15
Ch.	II.	Executive §§8.25--8.49
Ch.	III.	Generally, §§ 8.50--8.75

CHAPTER I. LEGISLATIVE

Sec. 8.1. City Council created.

There is hereby created a city council of the City of Chattanooga, Tennessee, and all legislative and quasi-judicial authority and responsibility now vested in and exercised by the board of commissioners shall be vested exclusively in the city council. All references to the “board of commissioners” or “board” or “city commission” or “commissioners” or “commission” where the same refers to the board of commissioners acting in its or their legislative or quasi-judicial capacity in the present city charter are hereby deleted and there is inserted in lieu thereof the phrase “city council” or “council” or “council members” except as otherwise specified herein. (Paragraph 4 of the Amended Plan appended to the agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.)

Sec. 8.2. Qualifications of council members.

The City shall be divided into nine (9) districts within the geographic boundaries of the city. The city council shall be composed of nine (9) members with each member elected from one of such single districts. The candidate for each council position who receives the majority of his or her district shall be elected. No person shall be elected or appointed as a member of the council who is not at least 21 years of age and who has not been a resident of the district for at least one year preceding his or her election.

Sec. 8.3. Officers of council.

At its initial meeting, the council shall elect from its membership a chairperson who shall preside over council meetings. The council shall also elect a vice-chairperson who shall preside in the chairperson’s absence. Terms of the chairperson and vice-chairperson shall be for one year. No council person may serve more than two years as chairperson, nor more than two years as vice chairperson within any council term. The council may when necessary elect from their members a chairperson pro tempore to preside at a particular

¹ **Cross references**-Election of mayor and commissioners, Title 5; ordinances and resolutions, Title 11.

MAYOR AND CITY COUNCIL

meeting in the absence of the chairperson and vice-chairperson. (Paragraph 16 of the Amended Plan appended to the agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388; Ord. No. 10048, 5-18-94.)

Sec. 8.4. Chairperson as interim mayor.

The chairperson of the council shall ascend to the office of the mayor as interim mayor on a temporary basis in the event of a vacancy in the office of the mayor by reason of death, resignation, removal, or otherwise, all as specified in Section 8.5 hereof. During service as interim mayor, the council chairperson shall step down from his or her position as a member of the council. However, the temporary ascension of the council chairperson to the office of the mayor will not create a vacancy on the council to be filled by the council.

Sec. 8.5. Rules and meetings.

The council shall from time to time establish and publish such procedures and rules for its organization and orderly operation as the council deems appropriate so long as the procedures and rules do not conflict with provisions of the Charter, state or federal law. The council shall have the power to issue subpoenas and administer oaths. The council's rules shall specify the schedule for its regular meetings, which shall be held at least twice a month, and the procedures for calling special meetings. In the event that a member of the council shall be absent from all council meetings during three (3) consecutive months without proper and reasonable explanation acceptable to the council, his or her office may be declared vacated by a majority vote of the remaining membership of the council and such vacancy shall be filled as provided herein.

Sec. 8.6. Same-To be open to public; place.

All meetings of said council shall be public, and shall be held at the place provided for such meetings, and said place cannot be changed except by ordinance. (Priv. Acts 1911, Ch. 10, § 14)

Sec. 8.7. Same-Attendance of members.

The attendance of members may be enforced by rules or ordinances with appropriate fines. (Priv. Acts 1911, Ch. 10, § 14)

Sec. 8.8. Same-Adjourned meetings.

If the business of any regular or special meeting be not concluded on the day when the same convenes, the board may adjourn such meeting to any subsequent day of the week. (Priv. Acts 1911, Ch. 10, § 14). Any number of council members, even less than a quorum, may adjourn a regular council meeting from day to day.

Sec. 8.9. Redistricting.

MAYOR AND CITY COUNCIL

Following publication of each new official decennial federal census, the council shall reorganize and adjust by ordinance the boundaries of the districts currently established. The council's reorganization and adjustment of the district boundaries shall be completed no later than one (1) year prior to the next city election; provided, however, that the council shall have not less than six (6) calendar months within which to reorganize the districts. The adjusted districts shall be as equal in population as practicable. Such reorganization and adjustment of district boundaries shall not affect the qualifications of any council member to fulfill his or her remaining unexpired term.

Sec. 8.10. Quorum and Majority.

A majority of the entire membership of the council shall constitute a quorum for the transaction of business. The affirmative votes of a majority of the members of the entire council shall be necessary to enact any ordinance or adopt any resolution or take any affirmative action. Every ordinance enacted by the council shall be signed by the council chairperson, vice-chairperson or chairperson pro tempore and shall also be approved or vetoed by the mayor as provided by the Charter and shall then be delivered to the clerk of the city council.

Sec. 8.11. Vacancies.

Removal of residence by a member of the council from that member's district shall constitute a vacancy in that member's council position. Any vacancy occurring on the council, including any vacancy in the office of chairperson of the council, shall be filled by a vote of a majority of all of the remaining members of the council. Any person elected to fill such a vacancy shall possess the same qualifications as a council member elected by the people. Any person elected or appointed as a member of the council shall serve until his or her successor is elected and qualified; provided, however, that if any general statute requires an earlier election, then such general statute shall apply.

Sec. 8.12. Salaries.

Members of the council shall be paid fifteen percent (15%) of the mayor's salary as may be adjusted from time to time. The chairperson shall be paid an additional Five Thousand Dollars (\$5,000.00) per annum, and the vice-chairperson shall be paid an additional Twenty-five Hundred Dollars (\$2,500.00) per annum. Such salaries shall be payable on a monthly basis.

Sec. 8.13. Committees and clerk.

The council may from time to time establish such committees, committee responsibilities, and the manner of committee appointment as the council deems appropriate. The council shall employ a clerk whose duty it shall be to preserve, keep and retain all of the

MAYOR AND CITY COUNCIL

records of the council and shall have the authority to certify the correctness of such records when necessary or requested by a citizen.

Sec. 8.14. Expenses.

Members of the council may be reimbursed their reasonable, necessary and actual expenses incurred in the performance of their official duties. The council shall adopt procedures and guidelines for documentation and reimbursement of expenses of members of the council and of all the officials and employees of the government after receiving appropriate recommendations on the same from the mayor.

Sec. 8.15. Internal auditor.

An internal auditor shall be appointed by the council, independent of the mayor, and may be removed and replaced at any time by the affirmative vote of a majority of the council. The internal auditor's responsibilities will include, but not be limited to, auditing expenditures of the executive and administrative departments and verifying that all revenues due the city are properly collected and accounted for.

Sec. 8.16 -- 8.25. Reserved.

CHAPTER II. EXECUTIVE

Sec. 8.26. Office of mayor created.

There is hereby created the office of the mayor, and all executive and administrative authority and responsibility now vested in and exercised by the board of commissioners and its individual members shall be vested exclusively in the mayor. All references in the Charter to individual commissioners or the board of commissioners acting in their administrative or executive capacity are hereby deleted and the word "mayor" substituted therefore.

The mayor shall be elected at-large and shall not be a member of the city council. The mayor shall not have a vote in any matter considered by the city council. The mayor shall have a veto over any ordinance enacted or resolution adopted by the city council, but the city council may override the veto of the mayor at the next regular meeting of the council but only by a majority of the entire membership of the city council.

Sec. 8.27. Qualifications of mayor.

MAYOR AND CITY COUNCIL

No person shall be elected to the office of mayor unless he or she has been a resident of the city of Chattanooga for at least one year prior to his or her election and unless he or she shall be at least thirty (30) years of age.

Sec. 8.28. Executive officer.

The chief executive officer of the city of Chattanooga shall be the mayor. The mayor shall be authorized to administer oaths and shall supervise and control all of the divisions of the city, except as otherwise provided, and shall see that the ordinances of the City and the provisions of the Charter are observed. The mayor shall devote his or her entire time and attention to the duties of the office of the mayor. The mayor may attend any meeting of the council or any of its committee meetings and may address the council or its committee meetings subject to recognition by the chairperson.

Sec. 8.29. Term limits of mayor.

No person shall be eligible to be elected as mayor for more than two (2) consecutive four (4) year terms.

Sec. 8.30. Succession to office of mayor.

In the case of the mayor's death, resignation, inability to serve for any reason, recall or removal of his or her residence from the city, upon such fact being certified by resolution of the council, the chairperson of the council shall become the interim mayor upon being administered the oath and making bond. Such person shall hold the office of the mayor on an interim basis until a new mayor is elected as provided in this Charter and qualified. The interim mayor shall have the authority to cast a vote to break a tie in the city council. A vacancy in the office of the mayor shall be filled by election at the next regularly scheduled election to be held in the city not less than ninety (90) days but not more than one hundred twenty (120) days after the vacancy is certified by the council. If no such election is scheduled, a special election shall be held within not less than ninety (90) nor more than one hundred twenty (120) days. The person so elected shall serve the remainder of the term vacated by the mayor.

Sec. 8.31. Organization of government.

Within sixty (60) days after taking office, the mayor shall recommend to the council any revisions to the names, functions, and organization of city departments that the mayor deems appropriate. The council shall adopt a plan of reorganization within thirty (30) days after receiving recommendations for the same from the mayor, which recommendations the council may accept, modify or reject.

Sec. 8.32. Department heads.

MAYOR AND CITY COUNCIL

The mayor shall appoint all department heads, subject to confirmation by a majority vote of the entire membership of the council. The mayor may remove department heads at any time with the approval of a majority of the entire membership of the council. The city council may remove department heads and/or city officials (but not the mayor) for cause after notice and hearing, and pursuant to a vote of two-thirds of the entire membership of the council.

Sec. 8.33. Charter officials².

(a) No later than the date he or she appoints department heads, the mayor shall appoint, with the approval of a majority vote of the entire membership of the council, persons to fill the positions of fire chief, police chief and city engineer for terms concurrent with the mayor and until they are discharged or their successors are appointed and qualified. The mayor, with the approval of a majority vote of the entire membership of the council, may discharge any of these officials prior to the expiration of their terms of office. Thereafter, vacancies shall be filled by appointment of the mayor with the approval of a majority vote of the entire membership of the council.

(b) No later than the date the mayor appoints department heads, the mayor shall appoint, with the approval of a majority vote of the entire membership of the council, a city finance officer and a city treasurer, for terms concurrent with the terms of the mayor, and until they are discharged or their successors are appointed and qualified. The mayor may discharge the city finance officer or city treasurer with the approval of a majority vote of the entire membership of the council. Any vacancy occurring in said offices shall be filled by appointment of the mayor with the approval of a majority vote of the entire membership of the council.

(c) An internal auditor shall be appointed by the council, independent of the mayor, and may be removed and replaced at any time by the affirmative vote of a majority of the council. The internal auditor's responsibilities will include, but not be limited to, auditing expenditures of the executive and administrative departments

Sec. 8.34. Salaries.

(a) The salary of the mayor shall be at all times the same as is received by the county executive of Hamilton County.

(b) The annual salary fixed for all city officials shall be payable in equal semi-monthly installments. (Priv. Acts 1959, Ch. 10, §12; Priv. Acts 1965, Ch. 237, §1; Priv. Acts 1967, Ch. 45, §1; Priv. Acts 1968, Ch. 461, §1; Priv. Acts 1970, Ch. 343, §§1, 3, 4; Ord. No. 7368, §1, 5-16-78)

² The provisions for the city attorney are set forth in Section 3.62.

MAYOR AND CITY COUNCIL

Sec. 8.35. Control, etc., of city buildings.

The preliminary and primary control over the planning erection, repairs and maintenance of all public buildings belonging to the city of Chattanooga, and all public buildings of said city to be hereafter erected, shall be under the supervision and control of the mayor. (Paragraphs 3 and 10 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.)

Sec. 8.36. Bond.

The mayor shall be required to execute and file with the city finance officer a bond in the sum of ten thousand dollars (\$10,000.00) for the faithful discharge of his duties. (Priv. Acts 1911, Ch. 10, §16; Ord. No. 10742, §1(1), 8-18-98)

Sec. 8.38. Enforcement of laws and ordinances; report on condition of city; general supervision over officers of city.

It shall be the duty of the mayor to be vigilant and active in causing the ordinances of the city and the laws of the state to be executed and enforced within the city; to communicate to the city council at least once a year a statement of the finances and general condition of the city, and also such information in relation to the same as said council may, from time to time, request; to recommend to the council by message in writing, all such measures connected with the affairs of the city, as he shall deem expedient; to exercise a general supervision over all the executive and ministerial officers of the city, and see that their official duties are honestly and faithfully performed, and he may require from them statements in writing and under oath or affirmation concerning the discharge of their duties, and shall at all times have access to the books of all executive officers and boards. (Priv. Acts 1901, Ch. 432, § 26; Priv. Acts 1911, Ch. 10, § 13)

Editor's note-This provision is inserted for historical reference. Refer to 1953 Private Acts, Chapter 105, 1957 Private Acts, Chapter 73 and 1965 Private Acts, Chapter 207.

Sec. 8.39. Examination of affairs and accounts of city.

The mayor may, as often as he may deem necessary, appoint not more than three (3) competent persons to examine without notice the affairs and accounts of any city officer or board, and the money, securities and property belonging to the city and in the possession or charge of such officer or board. The compensation of such person[s] shall be paid out of the general or the miscellany fund, appropriated by the council on the warrant of the mayor, stating on its face for what purpose it is drawn, and countersigned by the finance officer. (Priv. Acts 1901, Ch. 432, § 29; Ord. No. 10742, § 1(1), 8-18-98)

MAYOR AND CITY COUNCIL

Sec. 8.40. Authority to administer oaths.

The mayor shall have the same power to administer oaths and affirmations that justices of the peace in this state now have. (Priv. Acts 1901, Ch. 432, § 32)

Editor's note-In the opinion of the City Attorney, this section is modified by paragraphs 4, 7 and 24 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.

Sec. 8.41. Temporary disability of the mayor.

(a) Whenever the mayor transmits to the clerk of the city council and the city finance officer his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the chairperson of the council as acting mayor.

(b) Whenever the chairperson of the council and a majority of the department heads of the executive department transmit to the clerk of the council and the city finance officer their written declaration that the mayor is unable to discharge the powers and duties of his office, the chairperson of the council shall immediately assume the powers and duties of the office as acting mayor.

Thereafter, when the mayor transmits to the clerk of the council and the city finance officer his written declaration that no inability exists, he shall resume the powers and duties of his office.

(c) In the event the chairperson of the council serves as acting mayor, the vice chairperson shall temporarily assume the chairmanship and the chairperson (acting mayor) shall temporarily step down from his or her position as a member of the council. However, the temporary ascension of the council chairperson to acting mayor will not create a vacancy on the council to be filled by the council. The compensation of the acting mayor, if any, shall be determined by the council.

(Ord. No. 10746, § 1(1), 8-18-98)

Secs. 8.42--8.50. Reserved.

MAYOR AND CITY COUNCIL

CHAPTER III. GENERALLY

Sec. 8.51. Oath of Office.

The mayor of said city shall, before entering upon the duties of his office, take and subscribe an oath before some justice of the peace of said county to faithfully, uprightly and honestly demean himself as mayor of said corporation during his continuance in office; and that he possesses the qualifications and is free from the disqualifications prescribed in section 3.1 of this Charter; and to faithfully discharge the duties of his office, and such other oath or affirmation as may be now or hereafter prescribed by ordinance.

Each member of said city council, before assuming the duties of office, shall take and subscribe an oath that he possesses the qualifications and is free from the disqualifications prescribed in section 3.1 of this Charter, and to faithfully discharge the duties of his office, and such other oath or affirmation as may be now or hereafter prescribed by ordinance. (Priv. Acts 1839, Ch. 32, §9; Priv. Acts 1901, Ch. 432, §5; Priv. Acts 1911, Ch. 10, §§13, 16)

Sec. 8.52. Annual Budget.

The mayor shall propose an annual budget and present it to the city council. The council shall enact a budget ordinance after receiving recommendations for the same from the mayor, which recommendations the council may accept, modify or reject. (Paragraphs 4 and 24 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 8.53. Disqualification for elective office.

No person who has been convicted of a felony may serve in an elective office of the city of Chattanooga unless his full rights of citizenship, including the right to suffrage, have been restored according to law. (Priv. Acts 1911, Ch. 10, §14, Ord. No. 11009, §1, 5-9-00)